

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**CSX TRANSPORTATION, INC.’S EMERGENCY MOTION TO
AMEND SCHEDULING ORDER AND EXTEND ITS
EXPERT WITNESS AND DISCOVERY DEADLINES**

NOW COMES Plaintiff CSX Transportation, Inc. (“CSXT”), by counsel, pursuant to Federal Rules of Civil Procedure 16(b)(4), 6(b)(1), and this Court’s Rule 16(b) Scheduling Order (ECF No. 78), and hereby moves this Court on an emergency basis to amend the Scheduling Order and extend the deadlines for expert witness reports and testimony, and its discovery deadline, on the basis that CSXT has yet to receive needed data and documents requested from Defendants in discovery.

As this matter is of an emergency nature, and affects the February 10, 2020 deadline for Plaintiff to serve its expert report, CSXT requests that the Court grant CSXT’s Request for Expedited Consideration of the Emergency Motion to Amend Scheduling Order and Extend Expert Deadlines. In support of both the Motion and the Request for Expedited Consideration, CSXT refers this Court to its Memorandum in Support, filed contemporaneously herewith.

In accordance with Local Rule 37(E) of the Local Rules for the United States District Court Eastern District of Virginia, CSXT has made a good faith effort with opposing counsel to resolve the issues raised in this Motion.

WHEREFORE, CSXT, by counsel, respectfully requests the Court grant its motion and amend the Court's Rule 16(b) Scheduling Order to extend the deadlines for expert reports and testimony.

Dated: January 23, 2020

Respectfully submitted,

CSX TRANSPORTATION, INC.

/s/ Robert W. McFarland

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this 23rd day of January 2020, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

By: /s/ Robert W. McFarland
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